

In determining the balance of funds of a school district under this subsection, the committee shall subtract the amount of any reduction in state aid that occurred as a result of a reduction in allotments made by the governor with the concurrence of the executive council under section 8.31.

Sec. 2. This Act takes effect from and after its publication in the Creston News-Advertiser, a newspaper published in Creston, Iowa, and in the Lenox Time-Table, a newspaper published in Lenox, Iowa, and is retroactive to June 30, 1984.

Approved March 1, 1985

I hereby certify that the foregoing Act was published in the Creston News-Advertiser, Creston, Iowa on March 12, 1985 and in the Lenox Time-Table, Lenox, Iowa on March 13, 1985.

MARY JANE ODELL, *Secretary of State*

CHAPTER 3

LIFE-SUSTAINING PROCEDURES ACT

S.F. 25

AN ACT relating to life-sustaining procedures by providing a procedure for declarations by certain competent adults that life-sustaining procedures may be withheld or withdrawn; providing for revocations; providing a procedure in absence of a declaration; providing for patient transfers; providing immunity from liability; prohibiting destruction, concealment or forging of declarations or revocations; providing penalties; and providing other matters properly relating thereto.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **POLICY STATEMENT.** The legislature finds that all adults have the fundamental right to control the decisions relating to their own medical care, including the decision to have medical or surgical means or procedures calculated to prolong their lives provided, withheld or withdrawn. This right is subject to certain interests of society, such as the protection of human life and the preservation of ethical standards in the medical profession. The legislature further finds that the artificial prolongation of life for persons with a terminal condition may secure only a precarious and burdensome existence, while providing nothing medically necessary or beneficial to the patient. In order that the rights and intentions of persons with such conditions may be respected even after they are no longer able to participate actively in decisions concerning themselves, and to encourage communications between these patients, their families, and their physicians, the legislature declares that the laws of Iowa shall recognize the right of an adult to make a written declaration instructing the adult's physician to provide, withhold, or withdraw life-sustaining procedures or to designate

another to make treatment decisions, in the event the person is diagnosed as suffering from a terminal condition.

Sec. 2. NEW SECTION. 144A.1 SHORT TITLE.

This chapter may be cited as the "Life-sustaining Procedures Act."

Sec. 3. NEW SECTION. 144A.2 DEFINITIONS.

Except as otherwise provided, as used in this chapter:

1. "Adult" means an individual eighteen years of age or older.
2. "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.
3. "Declaration" means a document executed in accordance with the requirements of section 144A.3.
4. "Health care provider" means a health care facility licensed pursuant to chapter 135C, a hospice program licensed pursuant to chapter 135, or a hospital licensed pursuant to chapter 135B.
5. "Life-sustaining procedure" means any medical procedure, treatment or intervention which meets both of the following requirements:
 - a. Utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function.
 - b. When applied to a patient in a terminal condition, would serve only to prolong the dying process.

"Life-sustaining procedure" does not include the provision of sustenance or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

6. "Physician" means a person licensed to practice medicine and surgery, osteopathy or osteopathic medicine and surgery in this state.
7. "Qualified patient" means a patient who has executed a declaration in accordance with this chapter and who has been determined by the attending physician to be in a terminal condition.
8. "Terminal condition" means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short time.

Sec. 4. NEW SECTION. 144A.3 DECLARATION RELATING TO USE OF LIFE-SUSTAINING PROCEDURES.

1. Any competent adult may execute a declaration at any time directing that life-sustaining procedures be withheld or withdrawn. The declaration may be given operative effect only if the declarant's condition is determined to be terminal and the declarant is not able to make treatment decisions. The declaration must be signed by the declarant or another at the declarant's direction in the presence of two persons who shall sign the declaration as witnesses. An attending physician or health care provider may presume, in the absence of actual notice to the contrary, that the declaration complies with this chapter and is valid.
2. It is the responsibility of the declarant to provide the declarant's attending physician with the declaration.
3. A declaration executed pursuant to this chapter may, but need not, be in the following form:

DECLARATION

If I should have an incurable or irreversible condition that will cause my death within a relatively short time, it is my desire that my life not be prolonged by administration of life-

sustaining procedures. If my condition is terminal and I am unable to participate in decisions regarding my medical treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort or freedom from pain.

Signed this _____ day of _____, ____.
Signature _____

City, County and State of Residence _____

The declarant is known to me and voluntarily signed this document in my presence.

Witness _____
Address _____
Witness _____
Address _____

Sec. 5. NEW SECTION. 144A.4 REVOCATION OF DECLARATION.

1. A declaration may be revoked at any time and in any manner by which the declarant is able to communicate the declarant's intent to revoke, without regard to mental or physical condition. A revocation is only effective as to the attending physician upon communication to such physician by the declarant or by another to whom the revocation was communicated.

2. The attending physician shall make the revocation a part of the declarant's medical record.

Sec. 6. NEW SECTION. 144A.5 RECORDING DETERMINATION OF TERMINAL CONDITION.

When an attending physician who has been provided with a declaration determines that the declarant is in a terminal condition, this decision must be confirmed by another physician. The attending physician must record that determination in the declarant's medical record.

Sec. 7. NEW SECTION. 144A.6 TREATMENT OF QUALIFIED PATIENTS.

1. A qualified patient has the right to make decisions regarding use of life-sustaining procedures as long as the qualified patient is able to do so. If a qualified patient is not able to make such decisions, the declaration shall govern decisions regarding use of life-sustaining procedures.

2. The declaration of a qualified patient known to the attending physician to be pregnant shall not be in effect as long as the fetus could develop to the point of live birth with continued application of life-sustaining procedures. However, the provisions of this subsection do not impair any existing rights or responsibilities that any person may have in regard to the withholding or withdrawal of life-sustaining procedures.

Sec. 8. NEW SECTION. 144A.7 PROCEDURE IN ABSENCE OF DECLARATION.

1. Life-sustaining procedures may be withheld or withdrawn from a patient who is in a terminal condition and who is comatose, incompetent, or otherwise physically or mentally incapable of communication and has not made a declaration in accordance with this chapter if there is consultation and written agreement for the withholding or the withdrawal of life-sustaining procedures between the attending physician and any of the following individuals, who shall be guided by the express or implied intentions of the patient, in the following order of priority if no individual in a prior class is reasonably available, willing, and competent to act:

a. The attorney in fact designated to make treatment decisions for the patient should such person be diagnosed as suffering from a terminal condition, if the designation is in writing and complies with section 633.705.

b. The guardian of the person of the patient if one has been appointed. This paragraph does not require the appointment of a guardian in order for a treatment decision to be made under this section.

- c. The patient's spouse.
 - d. An adult child of the patient or, if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation.
 - e. A parent of the patient, or parents if both are reasonably available.
 - f. An adult sibling.
2. When a decision is made pursuant to this section to withhold or withdraw life-sustaining procedures, there shall be a witness present at the time of the consultation when that decision is made.
3. Subsections 1 and 2 shall not be in effect for a patient who is known to the attending physician to be pregnant with a fetus that could develop to the point of live birth with continued application of life-sustaining procedures. However, the provisions of this subsection do not impair any existing rights or responsibilities that any person may have in regard to the withholding or withdrawal of life-sustaining procedures.

Sec. 9. NEW SECTION. 144A.8 TRANSFER OF PATIENTS.

1. An attending physician who is unwilling to comply with the requirements of section 144A.5 or who is unwilling to comply with the declaration of a qualified patient in accordance with section 144A.6 or who is unwilling to comply with the provisions of section 144A.7 shall take all reasonable steps to effect the transfer of the patient to another physician.
2. If the policies of a health care provider preclude compliance with the declaration of a qualified patient under this chapter or preclude compliance with the provisions of section 144A.7, the provider shall take all reasonable steps to effect the transfer of the patient to a facility in which the provisions of this chapter can be carried out.

Sec. 10. NEW SECTION. 144A.9 IMMUNITIES.

1. In the absence of actual notice of the revocation of a declaration, the following, while acting in accordance with the requirements of this chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct:
 - a. A physician who causes the withholding or withdrawal of life-sustaining procedures from a qualified patient.
 - b. The health care provider in which such withholding or withdrawal occurs.
 - c. A person who participates in the withholding or withdrawal of life-sustaining procedures under the direction of or with the authorization of a physician.
2. A physician is not subject to civil or criminal liability for actions under this chapter which are in accord with reasonable medical standards.
3. Any person, institution or facility against whom criminal or civil liability is asserted because of conduct in compliance with this chapter may interpose this chapter as an absolute defense.

Sec. 11. NEW SECTION. 144A.10 PENALTIES.

1. Any person who willfully conceals, withholds, cancels, destroys, alters, defaces, or obliterates the declaration of another without the declarant's consent or who falsifies or forges a revocation of the declaration of another is guilty of a serious misdemeanor.
2. Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of or delivery of a revocation as provided in section 144A.4, with the intent to cause a withholding or withdrawal of life-sustaining procedures, is guilty of a serious misdemeanor.

Sec. 12. NEW SECTION. 144A.11 GENERAL PROVISIONS.

1. Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to a declaration and in accordance with this chapter does not, for any purpose, constitute a suicide or homicide.

2. The making of a declaration pursuant to section 144A.3 does not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance is legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures pursuant to this chapter, notwithstanding any term of the policy to the contrary.

3. A physician, health care provider, health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not require any person to execute a declaration as a condition for being insured for, or receiving, health care services.

4. This chapter creates no presumption concerning the intention of an individual who has not executed a declaration with respect to the use, withholding, or withdrawal of life-sustaining procedures in the event of a terminal condition.

5. This chapter shall not be interpreted to increase or decrease the right of a patient to make decisions regarding use of life-sustaining procedures as long as the patient is able to do so, nor to impair or supersede any right or responsibility that any person has to effect the withholding or withdrawal of medical care in any lawful manner. In that respect, the provisions of this chapter are cumulative.

6. This chapter shall not be construed to condone, authorize or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

Approved March 4, 1985

CHAPTER 4
DESIGNATION OF THE GRAND RIVER
S.F. 15

AN ACT relating to the designation of the Grand river.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. The river arising in Adair county and flowing through the counties of Madison, Union, Ringgold, and Decatur county which flows out of this state at section 24, New Buda township, Decatur county is designated the Grand river and shall not be designated by any other name on maps published by the state of Iowa or road signs of the state or its political subdivisions.

Approved March 5, 1985